

U.S. Application No. 10/073,138
Preliminary Amendment dated November , 2004
Attorney Ref. No.: 037003 - 0280705

II. REMARKS

Preliminary Remarks:

Claims 1-28 are canceled without prejudice, and new claims 29-56 are submitted in their place.

The title and abstract of the application are amended so as to identify the elected invention; and the first paragraph of the specification is amended to update the status of the priority documents.

Paragraphs of the specification that refer to figures showing sequence information are amended to identify the corresponding SEQ ID NOS, and names of trademarked products are so identified.

The new claims use the alternative term CD80 in referring to the B7.1 antigen protein in accord with current usage, support for which is found on page 1, line 11. New claim 29-42 are directed to a method for inhibiting or preventing T cell/B cell interactions associated with B cell lymphoma, and new claims 43-56 are directed to a method of treating B cell lymphoma; support for which is found in the specification, for example, on page 36, lines 1-3, and page 38, lines 2-17. Claims 29, 36-43, and 50-56 are directed to methods in which a CD80-binding fragment of an anti-CD80 antibody is administered, support for which is found, for example, on page 36, lines 8-12, and page 42, line 33, to page 44, line 5. Claims 30 and 44 are directed to a method in which the anti-CD80 antibody is a chimeric antibody comprising variable regions of a non-human anti-CD80 antibody and human constant regions, and claims 31-35 and 45-49 are directed to such a method wherein the anti-CD80 antibodies comprise variable regions of a monkey antibody. Support for these claims is found in the specification, for example, in the description of making primatized® monoclonal antibodies on pages 26-27, as well as in U.S. Patent No. 5,658,570, which describes making chimeric antibodies having human constant regions and either murine or monkey variable regions (e.g., in columns 1-4) and which is incorporated by reference. New claims 33-36, and 47-50 are directed to a method in which the anti-CD80 antibody or fragment thereof has the same variable regions as, or competes for binding to CD80 with, antibody 7C10 or antibody 16C10, support for which is found in the specification, for example, on pages 27-29, which describe methods for making anti-CD80 antibodies that were used to obtain the 7C10 and 16C10 antibodies; on pages 30-31 and 33-34, which describe methods for cloning DNA sequences encoding the variable regions of the antibodies and expressing these using vectors containing DNA sequences

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encoding human constant regions to produce chimeric, primatized[®] antibodies having the variable regions of 7C10 and 16C10; and in Examples 9-11 on pages 58-60, which describe competitive binding assays that identify anti-CD80 antibodies and other CD80-binding proteins that compete for binding to CD80 antigen with 7C10 and 16C10 antibodies. New claims 41 and 55 are directed to administering an CD80 antibody in combination with an immunomodulator selected from the group consisting of IL-7, IL-10, CTLA4-Ig, soluble CTLA-4, an anti-CD28 antibody or fragment thereof, as described, for example, on page 42, lines 13-18. New claims 42 and 56 are directed to administering an CD80 antibody in combination with an immunosuppressant selected from the group consisting of cyclosporin A, FK506, anti-TNF α , anti-CD54, anti-CD11, anti-CD11a, anti-IL-1, TNF α receptor, and IL-1 receptor, as described, for example, on page 42, lines 18-25.

Election

In response to the requirement for restriction and election mailed October 10, 2004, the applicants elect without traverse Group III, which included original claims 16, 18, 20, 22, 24 and 27, drawn to a method of treating a disease with anti-CD80 (B7-1) antibodies. In response to the requirement that the applicants elect a specific disease from the list (A)-(F), the applicants elect B cell lymphoma.

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III. IN CONCLUSION

Consideration of the application on the merits is respectfully requested based on the amendments and remarks herein. If any issues arise which the examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,



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